

County Executive in 1992. Sam served as a member of the Tennessee State School Board and the Law Revision Commission.

The main focus of Sam Kennedy's career is journalism. Kennedy was the editor and publisher of the Columbia Daily Herald and a leader in the Tennessee Press Association. He served as the president and chaired its Government Affairs Committee for 30 years. He also served as a director for the Southern Newspaper Publishers Association.

Sam Kennedy has shaped much of what journalism is today. He has been an advocate for the First Amendment and took the lead to help pass the Tennessee Sunshine law. This law passed in 1974. It requires meetings of state, city and county government bodies to be open to the public and that any such governmental body must give adequate notice before the meeting. Through his influence, he fought to keep government as transparent as possible.

The Open Government Hall of Fame is a joint initiative of the National Freedom of Information Coalition (NFOIC) and the Society of Professional Journalists (SPJ). Inductees are recognized for their "long and steady effort to preserve and protect the free flow of information about state and local government that is vital to the public in a democracy."

Sam Kennedy has made an extraordinary impact in the state of Tennessee. His life's work and legacy will continue to benefit those who serve in government and journalism. I now ask my colleagues to join me in recognizing Sam Kennedy.

IN RECOGNITION OF DON LEWIS

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2016

Mr. SWALWELL of California. Mr. Speaker, I rise today to congratulate Don Lewis of Pleasanton on recently receiving one of the 2016 Alameda County Arts Leadership Awards. Through his renowned musical ability, innovative spirit, and enthusiasm for teaching, Don has brought joy to the people of the Bay Area and beyond.

Don began playing the piano as a high school student in Dayton, Ohio. As a student at the Tuskegee Institute, he sang with the Tuskegee Chorus and performed at freedom rallies led by Dr. Martin Luther King, Jr.

Don became a pioneer in music technology by inventing the Live Electronic Orchestra, a synthesizer system that influenced the development of synthesizers and sounds modules for decades to come. He has performed at concerts worldwide and worked with many musical greats, such as the Newport Jazz Festival, Quincy Jones, Michael Jackson, and the Beach Boys.

In addition to his professional accomplishments, Don is a passionate teacher and an involved member of our community. For nearly thirty years, his "Say Yes to Music!" school assemblies have motivated thousands of children across the United States and Canada to pursue their creative interests. He has engaged with Bay Area students at all levels to encourage their musical and artistic pursuits, organizing events where they can learn from each other and showcase their talents to the

public. Don also actively participates in service projects as a member of the Rotary Club of Pleasanton.

Don's career is truly a testament to the power of music to inspire and bring joy to others. This week, Alameda County honors his outstanding achievements and contributions to our community. I want to congratulate Don on this tremendous honor.

UNTOUCHABLE NO MORE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2016

Mr. POE of Texas. Mr. Speaker, as a former prosecutor and county Judge, I am very concerned by the press conference held on July 15th the Director of the FBI, James Comey. The press conference was carried live on many news channels, and Director Comey spoke in great detail (over 2,300 words), regarding procedures in her use of a personal email server while working as Secretary of State.

During this press conference, Director Comey stated: "Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case."

Not only did this press conference likely violate FBI procedure, such a public accounting of alleged misdeeds while not recommending charges made it nearly impossible for the Department of Justice to do their job in this case. The FBI is an investigating agency, not a prosecuting agency or a judge and jury. Such a public determination of a case is unprecedented and highly prejudicial. The FBI should investigate and research the facts; determining whether or not those facts constitute a crime is not their job.

It appears that Comey's statement was a violation of internal DOJ procedures. Per DOJ regulations, in federal cases, the prosecutor's decision to bring criminal charges is governed by the United States Attorney's Manual. USAM 9-27.000, titled "Principles of Federal Prosecution" contains the DOJ's written guidance to prosecutors about decisions to initiate or decline prosecution. Specifically, 9-27.220(A) instructs prosecutors to file criminal charges in all cases where there is a violation of federal law and the evidence is sufficient to obtain a conviction, unless one of three grounds exist:

Lack of a substantial federal interest;

The defendant is subject to prosecution in another jurisdiction; or

The existence of adequate non-criminal alternatives to prosecution.

It is not clear from the Comey statement which of these exceptions he thinks applies in this case. Regardless, the determination of whether or not to pursue charges in the case does not reside with an investigative agency like the FBI. By publicly making this statement, Director Comey made it practically impossible for DOJ to fully fulfill their duties under 27.220(A).

There is no provision or practice that permits the FBI (or any other federal law enforcement agency) to make recommendations to the prosecution in such a public manner. This

statement violated practice and procedure and further shows that this investigation was flawed from the beginning. Secretary Clinton received different treatment than any rank and file employee at the State Department would have received in such an instance. A rank and file employee would have, at the very least, lost their security clearance had they engaged in conduct similar to that of Secretary Clinton.

In the FBI "Manual of Investigative Operations and Guidelines" section 1-2, a number of policies and procedures are laid out for how the FBI should behave and conduct criminal investigations. Specifically, section 1-2 (1) states: "The FBI is charged with the duty of investigating violations of the laws of the United States and collective evidence in cases in which the United States is or may be a party in interest". In addition, section 1-2 (3) states: "Results of investigations are furnished to United States Attorneys and/or Department of Justice."

There is not a section in this manual that permits or directs the FBI to publicly state that the facts they investigated were not sufficient to warrant prosecution; in fact the manual clearly indicates that these facts should be turned over to either a US Attorney or the DOJ when there is sufficient evidence that a crime occurred. Director Comey stated that "there is evidence of potential violations of the statutes regarding the handling of classified information". Despite this finding, Director Comey appears to have veered from FBI procedures to make a public statement that no prosecution was warranted. It is unclear what legal standard was used to make this determination and appears to be far outside what is permitted under the policies and practice of the FBI. There was a time when the FBI was known as "The Untouchables" because they were above politics; those days are over.

And that's just the way it is.

HONORING OFFICERS ANGEL PADILLA AND PETER HAMMER OF THE LINDEN POLICE DEPARTMENT

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2016

Mr. PAYNE. Mr. Speaker, I rise today to honor Officers Angel Padilla and Peter Hammer of the Linden Police Department in Linden, New Jersey for their role in the apprehension of the New Jersey-New York bombing suspect.

Just days after we observed the 15th anniversary of the September 11th terrorist attacks, multiple bombs were planted in New York City and in Seaside Park and Elizabeth, New Jersey.

On Monday, September 19, 2016, local law enforcement in my district apprehended the bombing suspect, Ahmad Khan Rahami, but not before a shootout injured two brave police officers, Angel Padilla and Peter Hammer.

That day, Padilla and Hammer were among officers who responded to a call of a man sleeping in the entrance of a tavern in Linden.

As he approached Rahami, whom he recognized as the bombing suspect, Padilla was shot in the torso. Fortunately, Padilla was wearing his bulletproof vest when he was struck.